

REMARKS

Applicants have carefully considered the April 2, 2003 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. A petition to extend the period for response by two months is filed herewith, which should extend the period to September 2, 2003.

The Examiner objected to claims 5 and 6 as dependent on rejected claims but indicated that 5 and 6 would be allowable if recast in independent form. The limitations of claim 5 have been added to parent independent claim 1, so that amended claim 1 now corresponds in scope to original claim 5 recast in independent form. Similarly, the limitations of claim 6 have been added to parent independent claim 2, so that amended claim 2 now corresponds in scope to original claim 6 recast in independent form. Claims 1 and 2 therefore correspond to the subject matter the Examiner indicated was allowable and should be in condition for allowance.

Claims 3 and 7 depend from claim 1 and should be allowable therewith. Similarly, claims 4 and 8 depend from claim 2 and should be allowable with that allowable independent claim. Claim 9 has been amended to add the requirement that the superconductive magnet includes "paired split magnets for generating a magnetic field in the horizontal direction," as now stated in claims 1 and 2 (as in original claims 5 and 6), therefore claim 9 and dependent claim 10 should be patentable over the art for similar reasons.

It is believed that all claims remaining in this case (1-4 and 7-10) are patentable as suggested by the Examiner in the April 2, 2003 Office Action. The art rejection therefore should be moot.

The refusal to consider the two Japanese literature items by Yoji Arata, which were cited in Applicants' March 19, 2002 Information Disclosure Statement, is respectfully traversed. Applicants provided concise statements of relevance of these two documents in the original specification, at page 2, lines 4-7, and page 3, lines 20-26. The rules require a concise statement of relevance (37 C.F.R. § 1.98(a)(3)(i)) not an English language translation. The Information Disclosure Statement was filed with the specification on March 19, 2002, therefore the statement together with the specification provided all the information required by the rules. Since the March 19, 2002 Information Disclosure Statement satisfied the rules as of that date, with respect to the Yoji Arata documents, those documents should have been considered along with the other items cited in that Statement.

It is respectfully requested that the Examiner consider the two Yoji Arata documents. A new PTO-1449 form listing those documents is submitted herewith, for the Examiner's convenience. Since the original submission on March 19, 2002 was adequate, no further fee should be necessary.

For the reasons outlined above, all remaining claims should be allowable, and all issues have been addressed. A prompt favorable reconsideration is solicited.

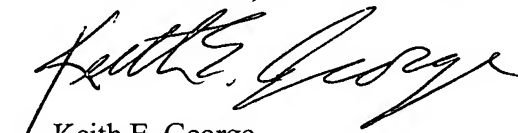
If any further issue should arise, which may be addressed in a telephone interview or by an Examiner's amendment, the Examiner is requested to telephone Applicant's representative at the number shown below.

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To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees and/or any fee for the information disclosure statement, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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